



## **ORDINANCE 581**

**AN ORDINANCE AMENDING CHAPTER 225, SECTION 225-8 (I), OF THE CODE OF THE TOWN OF ELSMERE CONCERNING THE OVERNIGHT PARKING OF COMMERCIAL OR CONSTRUCTION VEHICLES.**

**Sponsored by:** 1st District Councilman John Jaremchuk

**First and Second Reading:** July 10, 2014 Council Meeting

**Results:** Passed 7 In Favor, 0 Opposed

**Third and Final Reading:** August 14, 2014 Council Meeting

**Results:** Passed 6 In Favor, 0 Opposed with 1 Absent

Ordinance 581 An ordinance amending Chapter 225, Section 225-8 (I), of the Code of the Town of Elsmere concerning the overnight parking of commercial or construction vehicles.

# ORDINANCE 581

## AN ORDINANCE AMENDING CHAPTER 225, SECTION 225-8 (I), OF THE CODE OF THE TOWN OF ELSMERE CONCERNING THE OVERNIGHT PARKING OF COMMERCIAL OR CONSTRUCTION VEHICLES.

**WHEREAS**, the current code of the Town of Elsmere prohibits the parking of any vehicle for commercial advertising purposes from being parked in any district at any time; and

**WHEREAS**, the commercial advertisement of a business or the services a business offers, is commonly displayed on vehicles ranging from small two door passenger vehicles to pick-up trucks and larger vehicles; and

**WHEREAS**, many times employees who are on call or serve in a management position for their company or business are assigned to take these vehicles home; and

**WHEREAS**, it is likely that these vehicles could be determined to be a vehicle for commercial advertising purposes and therefore a violation of the existing code; and

**WHEREAS**, the Mayor and Council do not believe this was the legislative intent of the original legislation.

### **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, THE FOLLOWING:**

That Chapter 225, Section 225-8 (I), of the Code of the Town of Elsmere be amended to read as follows.

- I. No commercial or construction vehicle classified as a "Medium or Heavy Duty Vehicle" in "Appendix A" to this ordinance, shall be parked between sunset of one day and sunrise of the next day (overnight) in any district other than a "GI" General Industrial District.

July 10, 2014  
First and Second Reading

\_\_\_\_\_  
Steven E. Burg, Mayor

August 14, 2014  
Third and Final Reading

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Joann I. Personti, Secretary

Approved as to form:

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Town Solicitor

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ORDINANCE 581  
APPENDIX A  
VEHICLE CLASSIFICATIONS

For the purpose of determining commercial truck classification as they relate to Ordinance 581, commercial trucks shall be placed into classes determined by the vehicle's gross vehicle weight rating (GVWR). The classes will range from 1–8. Trucks shall be classified as follows;

Light Duty Vehicles: are those vehicles described below as a class 1, 2 or 3 vehicle; and

Medium Duty Vehicles: are those vehicles described below as a class 4, 5 or 6 vehicle; and

Heavy Duty Vehicles: are those vehicles described below as a class 7 or 8 vehicle.

**Light Duty Vehicle Classifications:**

**Light Duty Vehicles: (Vehicles in Class 1, 2 or 3)**

1. The Class 1 vehicle has a gross vehicle weight rating (GVWR) ranging from 0–6000 lb (0–2722 kg).

Examples of trucks in this class include the Toyota Tacoma, Dodge Dakota and GMC Canyon.

2. The Class 2 vehicle has a gross vehicle weight rating (GVWR) ranging from 6001–10000 lb (2722–4536 kg).

Examples of vehicles in this class include the Dodge Ram 1500, Chevrolet Silverado 1500 and the Ford F-150. Class 2 is subdivided into Class 2a and Class 2b, with class 2a being 6001–8500 lb (2722–3856 kg), and class 2b being 8501–10000 lb (3856–4536 kg). Class 2a is commonly referred to as a light duty truck, with class 2b being the lowest heavy-duty class, also called the light heavy-duty class.

3. The Class 3 vehicle has a gross vehicle weight rating (GVWR) ranging from 10001–14000 lb (4536–6350 kg). Examples of vehicles in this class include the Dodge Ram 3500, Ford F-350, and the GMC Sierra 3500. The Hummer H1 is another example of a single rear wheel Class 3 truck, with a GVWR of 10300 lb (4672 kg).

### **Medium Duty Vehicles: (Vehicles in Class 4, 5 or 6)**

1. The Class 4 vehicle has a gross vehicle weight rating (GVWR) ranging from 14001–16000 lb (6531–7257 kg). Examples of vehicles in this class include select Ford F-450 trucks, Dodge Ram 4500, and the GMC 4500.
2. The Class 5 vehicle has a (GVWR) ranging from 16001–19500 lb (7258–8845 kg). Examples of trucks in this class include the International Terra Star, GMC 5500. Dodge Ram 5500, and the Ford F-550
3. The Class 6 vehicle has a gross vehicle weight rating (GVWR) ranging from 19501–26000 lb (8846–11793 kg).<sup>[2]</sup> Examples of trucks in this class include the International Durastar, GMC Topkick C6500.<sup>[15]</sup> and the Ford F-650

### **Heavy Duty Vehicles: (Vehicles in Class 7 or 8)**

1. The Class 7 vehicle and above requires a Class B or CDL license to operate in the United States. These include GMC C7500. Their GVWR ranges from 26001– 33000 lb (11794–14969 kg).
2. The Class 8 vehicle has a gross vehicle weight rating (GVWR) which is anything above 33000 lb (14969 kg). These include most tractor trailer trucks.

## **SYNOPSIS ORDINANCE 581**

This Ordinance modernizes the code concerning the overnight parking of commercial and construction vehicles.

Fiscal Impact:           None

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